

MESSAGE NO: 6063309 MESSAGE DATE: 03/03/2016

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: 79 FR 78037 FR CITE DATE: 12/29/2014

REFERENCE 5021304
MESSAGE #
(s):

CASE #(s): C-570-966

EFFECTIVE DATE: 11/20/2014 COURT CASE #: 11-00080, 15-1233

PERIOD OF REVIEW: 03/03/2011 TO 11/20/2014

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation Instructions for the Countervailing Duty Order on drill pipe from the People's Republic of China (C-570-966)

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 4 below.

1. Commerce revoked the countervailing duty order on drill pipe from the People's Republic of China as a result of the U.S. Court of International Trade's final judgment in Downhole Pipe & Equipment, LP v. United States, (court no. 11-00080). Notice of this revocation was published in the Federal Register on 12/29/2014, 79 FR 78037. The effective date of the revocation is 11/20/2014. In accordance with the decision of the Court of Appeals for the Federal Circuit in Timken Co. v. United States, 893 F.2d 337, 341 (Fed. Cir. 1990), CBP was previously directed to continue to suspend liquidation of all entries of drill pipe from the PRC which were entered, or withdrawn from warehouse, for consumption on or after 03/03/2011 that remained unliquidated and/or were not deemed liquidated as of 11/20/2014, at a zero cash deposit rate during the pendency of the appeals process. See message 5021304, dated 01/21/2015.

2. On 11/04/2015, in Downhole Pipe & Equipment, LP v. United States (court no. 15-1233), the Court of Appeals for the Federal Circuit affirmed the CIT's judgment. The appeals process expired on 02/04/2016; accordingly, the Federal Circuit's decision is final and conclusive.

3. CBP is directed to terminate the suspension of liquidation for all shipments of drill pipe entered, or withdrawn from warehouse, for consumption on or after 03/03/2011, that remained unliquidated and/or were not deemed liquidated as of 11/20/2014, and such entries shall be liquidated without regard to countervailing duties. Release all bonds and refund all cash deposits.

4. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 3. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions.

5. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778

requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OIII:KJ.)

7. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party